

Amendment
Serial No. 09/875,184
Attorney Docket No. 010493

REMARKS

Claims 1-4 are pending in the present application. Claims 1 and 4 are rejected. Claim 4 is herein amended. Claim 1 is herein cancelled without prejudice. Applicants thank the Examiner for the courtesies extended in the telephone interview of February 22, 2007. Applicants' Statement of the Substance of the Interview is incorporated herein.

Applicants' Response to Claim Objections

The Office Action Summary Sheet and paragraph 6 on page 9 of the Office Action state that claim 3 is objected to, but would be allowable if re-written in order to specify that the buffer tank is located between the suction pump and the branch manifold. However, claim 3 was already amended in order to recite this, in the Amendment filed on October 26, 2006. Applicants' representative previously contacted the Examiner, who indicated that this was an error, and that claim 3 should have been listed as allowed.

Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tyberg et al. (U.S. Patent No. 6,270,726) in view of Beinert et al. (WO 00/08474).

The Office Action argues that Tyberg discloses the invention as claimed, with the exception of a guide located beneath the urging means. The Office Action relies on Beinert to provide this teaching. Applicants herein cancel claim 1 without prejudice. Thus, this rejection is moot.

Amendment
Serial No. 09/875,184
Attorney Docket No. 010493

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz et al in view of Tyberg and Beinert, in further view of Yu (U.S. Patent No. 5,779,907).

It is the position of the Office Action that Schultz discloses the invention as claimed, with the exception of a nozzle moving means including urging means for urging the suction nozzles towards the vessel, a magnet, and a magnet moving means. The Office Action relies on the combination of Tyberg and Beinert to teach the urging means for urging the suction nozzles toward the vessel, and relies on Yu to teach a magnet and magnet moving means.

In response to this rejection, Applicants herein amend claim 4 in order to incorporate the subject matter of claim 2 which was found to be allowable. Specifically, Applicants amend claim 4 to recite “said magnet moving means including two support plates with a spring interposed there between.” Since the Office Action states on paragraph 7 of page 9 that this is allowable subject matter, Applicants respectfully submit that such an amended claim 4 should be considered allowable. As discussed in the telephone interview of February 22, 2007, Applicants respectfully submit that this amendment does not raise new issues requiring further search or consideration. Favorable reconsideration is respectfully requested.

Allowable Subject Matter

The Office Action indicates that claim 2 is allowable. As noted above, the Examiner acknowledged that claim 3 should also be listed as allowable instead of being objected to.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

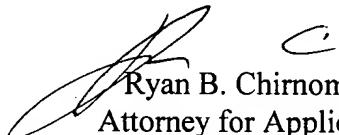
Amendment
Serial No. 09/875,184
Attorney Docket No. 010493

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Ryan B. Chirnomas
Attorney for Applicants
Registration No. 56,527
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

RBC/nrp